IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 1553 of 2005

Between:

B.S. Narayana, S/o. Ramaswamy,
APSRTC, Wanaparthy Bus Depot, Mahabubnagar District.

... PETITIONER

AND

1 The Depot Manager, APSRTC, Wanaparthy Bus Depot,

Mahabubnagar District.
2 The Regional Manager, APSRTC, Mahabubnagar Region,

Mahabubnagar District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus declaring that the action of the respondent in imposing the punishment of with holding my annual increment when next falls for a period of one year which shall have effect on future increments as bad, arbitrary, illegal unjust and unreasonable and violative of principles of natural justice and also contrary to the judgments of this Hon'ble court and apex court by setting aside the Final Order No. 02/62(83)/94-WNP dated 10-3-1995 of R1 and consequential order dated 7-10-1995 of R2 herein and consequently direct the respondents to add the increments which were deferred.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court, at the admission stage, made the following:

ORDER:

Alleging that petitioner has committed cash and ticket irregularities, a chargesheet was issued to him on 19-11-1994 calling for his explanation. The writ petitioner gave his explanation denying the charges. Without conducting any enquiry, the disciplinary authority imposed a penalty of deferment of two annual increments with cumulative effect, by its proceedings dated
07-10-1995, against which the petitioner is said to have preferred an appeal and revision before the Senior Manager and Regional Manager, respectively, which were rejected. Questioning the same, the present writ petition is filed.

2. Learned counsel appearing for the writ petitioner contended that imposing a major penalty without conducting any enquiry is illegal and since the incident in question has taken place long back, instead of remitting the matter to the Disciplinary Authority, he prays to direct the respondents to add the increments of the petitioner, which were deferred.

3. For certain irregularities committed by the petitioner, a chargesheet was issued to the petitioner and an explanation was called for. Without conducting any enquiry, a penalty of deferment of two annual increments, with cumulative effect, was imposed on him. There cannot be any dispute that imposing the penalty of deferment of two annual increments with cumulative effect, is a major penalty. But such a major penalty cannot be imposed without conducting any departmental enquiry. Though it is matter to be remitted back to the Disciplinary Authority for appropriate decision, as the incident in question took place long back, therefore, considering the facts and circumstances of the case, minor penalty can be imposed on the petitioner.

In the result, the writ petition is disposed of modifying the penalty passed by the Disciplinary Authority to that of deferment of one annual increment without cumulative effect. In the circumstances, no costs.

K.C. BHANU, J

February 3, 2005

MRR

Copy to:

1 The Depot Manager, APSRTC, Wanaparthy Bus Depot,

Mahabubnagar District.
2 The Regional Manager, APSRTC, Mahabubnagar Region,

Mahabubnagar District.

3 Two C.D. Copies.